IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.66 OF 2006

Mrs.Nehal Himanshu Sheth .. Applicant

versus

Mr.Himanshu Haritkumar Sheth .. Respondent

...

Mr.Mohan Pungalia for the applicant.

Mr.Mahesh M. for the respondent.

CORAM : D.G. KARNIK, J

DATED : 12th October 2006

P.C.:

1. Heard counsel for the parties. By consent, the petition is heard finally at the stage of admission itself.

2. This petition is filed by the petitioner wife tor transfer of the matrimonial proceedings bearing Marriage Petition no.1762 of 2005 from the file of Family Court at Bandra, Mumbai to the Family Court at

Pune.

3. The petitioner is the wife of the respondent. The respondent has filed a petition, bearing Marriage Petition no.1762 of 2005, against the petitioner for divorce in the family court at Bandra. The petitioner wife resides at Pune. Learned counsel for the petitioner states that mother of the petitioner is very sick, has suffered a heart attack and requires 24 hours attendant. Petitioner is therefore required to stay at Pune and is unable to travel to Mumbai. Learned counsel for the petitioner hands in a certificate dated 23rd May 2006 issued by N.M. Wadia Institute of Cardiology. The certificate is taken on record and marked "X" for identification. The certificate states that Mrs.D.K. Shah, who is the mother of the petitioner, has suffered myocardial infraction (heart attack) and is totally bed ridden and requires constant medical supervision and 24 hours attendant. In the circumstances, it would be impossible for the petitioner to come to Mumbai on everydate of hearing of the Marriage Petition.

4. In numerous decisions, the Supreme Court has held that in matrimonial proceedings, the convenience of the wife should be looked into.

5. In the circumstances, petition is allowed. The matrimonial proceedings bearing Marriage Petition no.1762 of 2005 pending in the Family Court at Bandra are withdrawn from its file and transferred to the Family Court, Pune for disposal in accordance with law.

(D.G. KARNIK, J)